



MEMO ENDORSED

Handley Farah & Anderson PLLC

November 12, 2021

Via ECF

United States District Judge Sidney H. Stein  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: Housing Rights Initiative v. Compass, Inc. et al., Case No. 21-cv-2221

Dear Judge Stein:

We represent Plaintiff Housing Rights Initiative in the above-referenced matter. We write to request an extension of upcoming deadlines in this case.

On November 8, 2021, Defendant Corcoran Group LLC ("Corcoran") filed a motion to dismiss the complaint in this action pursuant to Rule 12(b)(1) and 12(b)(6). In response to this motion Plaintiff plans to seek leave to amend its complaint to address certain arguments raised in Defendant Corcoran's motion to dismiss. This would be the first time Plaintiff has sought amendment of its complaint.<sup>1</sup>

Plaintiff intends to move for leave to amend the complaint by November 22, 2021. If such amendment is granted, it would render any pending Rule 12 motions concerning the current complaint moot. Accordingly, Plaintiff requests that Plaintiff's deadline to respond to any Rule 12 motions filed on or before November 22, 2021 be extended to 21 days after the Court rules on Plaintiff's motion for leave to amend the complaint.

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<sup>1</sup> There appears to be some split in authority as to whether Plaintiff can still amend its complaint as of right pursuant to Federal Rule of Civil Procedure 15(a)(1)(B) where, as here, 21 days have elapsed since some (but not all) defendants have responded to the complaint. See *Columbia Cas. Co. v. McCabe Trotter & Beverly, PC*, 2:20-cv-3680-DCN, 2021 U.S. Dist. LEXIS 107279 at \*5-7 (D.S.C. June 8, 2021) (collecting cases and discussing the split in authority on the amendment as of right in multi-defendant actions with varying response dates). In order to be sure that Plaintiff is properly complying with any requirement to seek leave, Plaintiff intends to move for leave to amend the complaint, unless notified by the Court that such request is unnecessary.

Additionally, since Defendants would need to respond to the amended complaint if the motion for leave to amend is granted, Plaintiff believes it would be most efficient if the deadline to respond to the complaint for all Defendants who have not yet responded to the complaint be extended to 21 days from the date the Court rules on Plaintiffs' motion to amend or 21 days from the date the amended complaint is filed, whichever is later.

Plaintiff has reached out to all counsel that have appeared to inform them that we plan to make the following requests:

- (1) Extension of Plaintiff's deadline to respond to any Rule 12 motions that were filed on or before November 22, 2021 to 21 days after the date the Court rules on Plaintiff's November 22 Motion for Leave to Amend the Complaint; and
- (2) Extension of the deadline for all Defendants who have not yet responded to the complaint to 21 days after the Court rules on Plaintiff's Motion to Amend or 21 days from the date the amended complaint is filed, whichever is later.

Counsel for the following Defendants have responded to Plaintiff and none have indicated that they oppose the above requests:

- Corcoran Group LLC
- Bergen LLC
- E Realty International Corp
- Rosa Mangiafrigga
- Compass Inc.
- 1380 First Owners Corp.
- Gim Realty LLC
- MQ Realty LLC
- Lions Gate New York LLC
- 165 Hester Corp.
- Home By Choice LLC
- Atias Enterprises Inc.
- Park Row (1<sup>st</sup> Ave.) LTD
- Alexander Hidalgo Real Estate, LLC
- East 89<sup>th</sup> Street Associates, LLC
- PD Properties LLC
- Paley Management Corp.
- Urban Real Estate Property Group, Inc.
- 83<sup>rd</sup> Street Associates LLC
- The Stratford LLC
- Maz Group NY LLC
- Eric Goodman Realty Corp.
- Saldo Properties LLC

- Peter Chris Meskouris
- Hell's Kitchen, LLC
- Prospect Owners Corp.
- Jackson Ht. Roosevelt Development II LLC
- Eva Management Group, LLC
- 165<sup>th</sup> St. Realty LLC
- MTY Group, Inc.
- Tenth Manhattan Corp.
- FirstService Realty NYC, Inc.
- 348 East 62<sup>nd</sup> LLC

Plaintiff's counsel has not received a position from the following Defendants:

- Bold LLC
- Myerowitz/Satz Realty Corp.
- Voro LLC
- 931-955 Coney Island Ave. LLC
- 3Location3.Co Realty, LLC
- Chandler Management, LLC

No Defendant has informed Plaintiff of an objection to these requests.

Finally, in response to Plaintiff's request for Defendants' position on the relief sought here, several of Defendants' counsel have asked that, if Plaintiffs' request herein is granted, the December 1 conference date be adjourned until after the new date by which all Defendants are required to respond to the amended complaint. Plaintiff agreed to include this request.

This is Plaintiff's first request for an extension of time to respond to the now pending Rule 12 motion by Corcoran. Prior to receipt of this motion, Plaintiff had requested extensions of time for Defendants to respond to the complaint and for the conference to be adjourned. *See* Docs. 153, 171, 214, 216.

Plaintiff therefore respectfully requests that:

- (1) The Court extend Plaintiff's deadline to respond to any Rule 12 motions filed on or before November 22, 2021 to 21 days after the date the Court rules on Plaintiff's Motion for Leave to Amend the Complaint;
- (2) The Court extend the deadline for all defendants to respond to the complaint who have not yet responded to 21 days after the Court rules on Plaintiff's Motion to Amend or 21 days from the date the amended complaint is filed, whichever is later;
- (3) If the above requests are granted, that the December 1 conference date is adjourned until after the new date by which all Defendants are required to respond to the amended complaint.



Thank you for your consideration.

Respectfully,

/s/ Matthew Handley

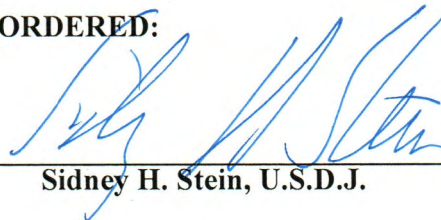
Matthew Handley

cc: All counsel of record (via ECF)

**Plaintiff may move for leave to amend the complaint on or before November 22, 2021. Responses to any motion for leave to amend the complaint shall be filed on or before November 29, 2021. All currently filed Rule 12 motions to dismiss the original complaint are held in abeyance and no response need be filed at this time. The conference currently scheduled for December 1, 2021, is adjourned sine die.**

**Dated: New York, New York  
November 19, 2021**

**SO ORDERED:**

  
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Sidney H. Stein, U.S.D.J.